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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/932,490	08/17/2001	Leo Temoshenko	062891.0544	5211

7590   06/01/2005

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EXAMINER
CHO, HONG SOL

ART UNIT	PAPER NUMBER
2662	

DATE MAILED: 06/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-21* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *11-15* is/are allowed.

6)☒ Claim(s) *1-10 and 16-21* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *17 August 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102(e) that form

the basis for the rejections under this section made in this Office action:

> (e) the invention was described in (1) an application for patent, published under section
> 122(b), by another filed in the United States before the invention by the applicant for
> patent or (2) a patent granted on an application for patent by another filed in the United
> States before the invention by the applicant for patent, except that an international
> application filed under the treaty defined in section 351(a) shall have the effects for
> purposes of this subsection of an application filed in the United States only if the
> international application designated the United States and was published under Article
> 21(2) of such treaty in the English language.

2.   Claims 1-10 and 16-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Ambe

et al (U.S 6839349), hereinafter referred to as Ambe.

        Re claims 1, 4, 20 and 21, Ambe discloses mirroring data packets in a network

switch (*intercepting packets in a pipeline network processor*, column 2, lines 46-48) with

input and output ports receiving and sending data packet (*receiving an information packet

from an inbound port, determining an outbound port for the information packet*, column

3, lines 5-11), determining whether the outbound port has been identified for intercept

processing, determining whether the destination has been identified for intercept

processing in response to the port being identified for intercept processing (figure 29e,

elements 410 and 430) and making copy of the information packet in response to the

destination being identified for intercept processing (column 53, lines 18-20).

Re claim 2, Ambe discloses placing an identity of a destination into information packet for subsequent determination of intercept processing (column 51, lines 27-32).

Re claims 3, 5, 18 and 19, Ambe discloses a fast filtering processor sending the packet to a mirrored port (*forwarding the copy of the information packet to an intercept receiver*, column 21, lines 1-3) and an address resolution logic forwarding the packet to a dispatch unit for destination routing (*forwarding the copy of the information packet to a routing processor for destination routing*, figure 14).

Re claims 6 and 7, Ambe discloses checking for egress mirroring with destination port in destination address lookup table (*comparing individually the destination to a list of reference destinations desired for interception with a match is found*, column 53, lines 18-20).

Re claim 8, Ambe discloses forwarding the information packet to the destination without copying in response to the destination not matching any of the reference destinations (column 53, lines 14-17).

Re claim 9, Ambe discloses determining whether the inbound port has been identified for intercept processing, determining whether the a source of the information packet has been identified for intercept processing in response to the port being identified for intercept processing (figure 29e, element 403) and making copy of the information packet in response to the destination being identified for intercept processing (column 51, lines 48-50).

Re claim 10, Ambe discloses comparing the source to a list of reference sources in order to determine whether source has been identified for intercept processing (column

51, lines 51-53).

Re claim 16, Ambe discloses a system for intercepting packets comprising a packet interface operable to receive an information packet from a source at an inbound port, a pipeline network processor operable to forward the information packet to a destination, the pipeline network processor including a plurality of processing columns operable determine a destination for the information packet (column 3, lines 5-11), the plurality processing columns operable determine whether the source and destination are identified for intercept processing (figure 29e, elements 403, 410 and 430), the plurality of processing columns operable to build a copy of the packet in response to either of the source or destination for information packet being identified for intercept processing (column 51, lines 48-50; column 53, lines 18-20), a route processor operable to configure the pipeline network processor for intercept processing (figure 2, element 10 (switch-on chip)).

Re claim 17, Ambe discloses the plurality of processing columns configured to compare an address for the source and the destination to a configured list of intercept addresses (column 51, lines 51-53; column 53, lines 14-17).

Allowable Subject Matter

3.   Claims 11-15 are allowable.

The following is an examiner's statement for reasons for allowance.

4.   Claim 11 is allowable over the prior art of record since the cited references taken individually or in combination fail to particularly teach or fairly suggest <u>a pipeline</u>

network processor implementing code for intercepting packets, the code comprising: a

first set of instructions operable receive and classify an information packet, the first set of

instructions operable determine whether an inbound port from which the information

packet is received has been identified for intercept processing; a second set instructions

operable to determine an outbound port for routing of the information packet, the second

instructions operable to determine whether the outbound port has been identified

intercept processing, a third set of instructions operable to determine whether the packet

satisfies input access requirements, the third set of instructions operable to forward the

information packet along an intercept path in response to the inbound port being

identified for intercept processing, the third set of instructions operable to determine

whether a source of the information packet has been identified for intercept processing

upon feedback of the information packet on the intercept path, the third set of instructions

operable determine whether the information packet satisfies output access requirements,

the third set of instructions operable to forward the information along the intercept path in

response to the outbound port being identified for intercept processing, the third set of

instructions operable to determine whether a destination the information packet has been

identified for intercept processing upon feedback of the information packet on the

intercept path, a fourth set of instructions operable to set up feedback of the information

packet on the intercept path, the fourth set of instructions operable to save appropriate

bytes of the information packet to permit feedback processing information packet on the

intercept path; a fifth set of instructions operable place an address source of information

packet into compare area of the information packet, the fifth set of instructions operable

to determine an address for the destination of the information packet, the fifth set of

instructions operable to place the address of the destination into a compare area the

information packet, a sixth set of instructions operable to feedback the information the

first set of instructions on the intercept path.

Conclusion

5.   The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure.

- USPUB 20040199670 to Garfinkel

- USPUB 20020004819 to Agassy

- US Patent (6335930) to Lee

6.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Hong Cho whose telephone number is 571-272-3087.

The examiner can normally be reached on Mon-Fri during 7 am to 4 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Hassan Kizou can be reached on 571-272-3088. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-3088.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR. Status

information for unpublished applications is available through Private PAIR only. For

more information about the PAIR system, see http://pair-direct.uspto.gov. Should you

have questions on access to the Private PAIR system, contact the Electronic Business

Center (EBC) at 866-217-9197 (toll-free).

hc
Hong Cho
Patent Examiner
5/24/2005

JOHN PEZZLO
PRIMARY EXAMINER